

**IN THE UNITED STATES DISTRICT COURT
ALABAMA MIDDLE DISTRICT (Dothan)**

NO: 1:07-CR-00183- WKW-SRW

UNITED STATES OF AMERICA	§	
	§	
V.	§	NO. 1:07-CR-00183- WKW-SRW
	§	
RICKEY RANDELL WREX SMITH	§	

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes RICKEY RANDELL WREX SMITH, Defendant, and files this Motion for Continuance of this cause from the trial setting for May 19, 2008, to plea Defendant and shows the following:

1. Counsel for Defendant filed a Motion for Hearing to Determine Competency of Defendant to Stand Trial and said Motion has not been heard before the court.
2. Further, Counsel for Defendant was just recently hired to represent Defendant in the cause and has not had sufficient time to prepare this case for trial due to his heavy trial case load.
3. This motion is not made for purposes of delay but that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court enter its order continuing this cause until some date after Defendant's Motion is heard before the court. Further, Defendant's attorney requests the hearing not be set between April 24, 2008 and May 5, 2008 when Defendant's attorney will be on vacation.

Respectfully submitted,

/s/ Alex R. Tandy

ALEX R. TANDY
State Bar No. 19635000
77 Lonesome Dove Trail, Suite A
Hurst, Texas 76054
817/281-1600 Telephone
817-485-7588 Facsimile

CERTIFICATE OF CONFERENCE

I hereby certify that on this the 15th day of April 2008 I spoke Nathan Stump, prosecutor in this matter regarding the merits of the Motion above, and he was not opposed to said Motion.

/s/ Alex R. Tandy
Alex R. Tandy

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of April 2008 a copy of the above and foregoing Motion for Continuance was sent by facsimile transmission to:

Nathan D. Stump
U. S. Attorney's Office
P. O. Box 197
Montgomery, AL 36101-0197.

Via Facsimile No. 1-334-223-7135

/s/ Alex R. Tandy
ALEX R. TANDY